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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/665,995

09/17/2003

Tai-Cheng Yu

6601

25859

7590

04/19/2006

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EXAMINER

TON, ANABEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H/A

Office Action Summary	Application No.	Applicant(s)	
	10/665,995	YU ET AL.	
	Examiner	Art Unit	
	Anabel M. Ton	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kretman et al (6,497,946) in further view of Yoshida et al (6,882,711).

Kretman discloses a light guide plate (52), at least a light source (54), a diffusion film located above the light guide plate (60) and a reflection polarizer being located above the diffusion film (66) wherein the light guide the diffusion film and the reflection polarizer are stacked one on another in sequence, a light guide with prismatic reflecting film on the surface of the diffuser (62). Kretman does not disclose the recitation of the diffusion layer being a plate and specifically teaching the diffusion plate having light conversion elements. Yoshida discloses light conversion elements that are disposed on a surface of the diffusion plate and face towards the reflection polarizer (col. 17 lines 10-21, 53-56)). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the diffusion layer of Kretman with that of Yoshida since Yoshida discloses the diffusion layer in one case as being a film having light scattering particles dispersed therein. This satisfies the limitation of the "light conversion elements disposed on a surface of the diffusion plate facing towards the reflection polarizer" since the light scattering particles are formed on an inner surface of the film subsequently facing the reflection polarizer. Furthermore the diffuser

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of Yoshida would have been purposeful to use the device of Kretman since a diffuser with light scattering particles throughout the diffuser will provide a greater amount of even light dispersion to the LCD of Kretman. With regards to the diffusion layer being a plate instead of a film, It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plate instead of a film in the device of Kretman or Yoshida, since it has been held by the courts that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device, and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984),. In this case a diffusion film would be desired because of its compact structure.

- With regards to method claim 12, the structural limitations of this claim are taught by the prior art as cited in this office action, therefore the above rejection applies.
- With regards to the light conversion elements being in the form of prisms, it would have been obvious at the time the invention was made to make the light conversion elements of Yoshida's diffusion film prismatic since Kretman teaches a prismatic reflecting film on the surface of the diffuser and it is old and well known in the illumination art that using a prismatic shape in multitude to further enhance the reflective optical qualities of any optical element is desirable since prisms reflect efficiently and totally. Such a shape would be desirable on the surface of a diffuser since it would further promote light scattering and reflecting

from the diffuser (for teaching of diffusers with a prismatic surface see cited art Tai et al (5,668,913; 5,835,661).

Response to Arguments

3. Applicant's arguments filed 01/30/06 have been fully considered but they are not persuasive.

4. To begin, applicant argues that Kretman fails to disclose the diffusion layer being a plate and that the diffusion layer of Yoshida, as used in combination with Kretman does not qualify as a diffusion plate. Applicant is directed to Merriam Webster's Collegiate Dictionary 10th Edition and the definition of "plate" that most pertains to this argument. Plate is defined as " a smooth thin flat piece of material". In this case the diffusive layer of Yoshida and the diffusive film of Kretman satisfy the definition of "plate". Furthermore applicant has not cited as to why the plate used in the instant invention is of any importance regarding size or dimensions and has only recited in the specification of it's purpose which is to diffuse light in combination with the reflective polarization plate and the light guide. With regards to the argument that the diffusion layer of Yoshida or any of the light modifying elements "transform reflected P polarized light thereabouts to a common light", applicant is directed to column 9 lines 20-63 of Yoshida which clearly state that the reflected polarized light P from the plate is transmitted in a common direction as that of the diffused and reflected light (from the light guide) thus inherently being "transformed" to a common light (common light being interpreted as the light, in unison, being transmitted and transformed through the optical elements of the LCD device including the reflecting polarizing plate towards the

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emitting surface). With regards to applicant's arguments that the Kretman and Yoshida reference do not teach any light modifying features that are capable of acting as prism, this argument and amendment has been addressed in the rejection above. With regards to applicant's argument that the sequential ordering of the claimed elements (i.e. light guide plate, diffusion plate and reflection polarizer are stacked on one another in sequence), applicant is directed to the rejection (previously and currently presented) above which discloses "a diffusion film located above the light guide pate (60) and a reflection polarizer being located above the diffusion film (66) wherein the light guide the diffusion film and the reflection polarizer are stacked one on another in sequence" as taught by Kretman and clearly shown in figure 9E of Kretman. Applicant is also reminded that the transitional phrase " comprising" is open-ended language and does not exclude additional elements to the device.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton
Examiner
Art Unit 2875

AMT


JOHN ANTHONY WARD
PRIMARY EXAMINER